



OFFICE CONSOLIDATION

BY-LAW 163-2008

A by-law to adopt a new Records Retention By-law to establish a Schedule of retention Periods for the records of the Corporation of the City of Brampton and repeal Records Retention By-law 242-90, as amended

WHEREAS Section 255 of the Municipal Act, 2001 permits a municipality subject to the approval of the Municipal Auditor, to establish retention periods during which the records of the municipality and local boards of the municipality must be retained and preserved;

AND WHEREAS Records Retention By-law 242-90, as amended, established retention periods for official records of the City;

AND WHEREAS it is now appropriate to adopt an updated records retention by-law for the City;

NOW THEREFORE the Council of The Corporation of the City of Brampton ENACTS as follows:

1. The classes of records listed in Schedule A to this by-law shall be retained and preserved in the manner and for the retention periods set out in Section A.
2. By-law 242-90, as amended, is hereby repealed.
3. This by-law shall come into effect upon approval of the retention periods by the Municipal Auditor.

READ a FIRST, SECOND and THIRD TIME and PASSED in OPEN COUNCIL THIS 25TH day of June, 2008.

THE CORPORATION OF THE CITY OF BRAMPTON

Original Signed by:
Susan Fennell, Mayor
Kathryn Zammit, Clerk

Schedule A to Records Retention By-law 163-2008

I. INTRODUCTORY NOTES

A. General

1. There are three major categories of records:
 - a. Paper Records (e.g., letters, reports, computer printouts, photographs)
 - b. Physical Media Records (e.g., microfilm, video, audio tapes, CD, DVD)
 - c. Electronic Records (e.g., emails, database files, MS Word files, Adobe Acrobat files)

Records and information management encompasses the three categories of records listed above.

2. The Records Retention By-law is managed by Records Services, City Clerk's Office, and includes three parts:
 - a. Introductory Notes, Definitions, Abbreviations and Terms, and Access to information Codes
 - b. Records Retention Schedule 1 – Paper and Other Physical Media
 - c. Records Retention Schedule 2 – Discontinued Records

The Introductory Notes, Definitions, Abbreviations and Terms, and Access to Information Codes establish the general parameters for interpretation of the Records Retention By-law.

Records Retention Schedule 1 – Paper and Other Physical Media, sets out the records retention periods and dispositions based on the City's File Classification System (FCS). The schedule currently only applies to paper and other physical media records.

Records Retention Schedule 2 – Discontinued Records, sets out records retention periods and dispositions for records no longer part of the City's FCS.

3. Retention for active and inactive retention periods in this by-law are in years, unless expressed otherwise. The inactive retention period of a record is that period during which a record is no longer required for current use but must be kept for legal, fiscal, operational or historical purposes. The final disposition of records not identified for permanent retention is destruction, unless otherwise noted (i.e., review for archival purposes).
4. The retention period of an official record, in paper or physical format, is calculated from the close date of the record as entered in the records management system. It includes a period of time the record is retained in the department after closure (active) plus a period of time in the Records Centre (inactive). Duplicate records are retained within the department only.
5. This Schedule does not apply to publications, reference material, and other non-records that have no documentary value to the City.
6. Records Services, City Clerk's Office, will provide assistance to determine if material is an official record, non-record, or duplicate.
7. In addition to providing day-to-day assistance to users in all aspects of the records management program, from records creation to final disposition of records, Records Services is also responsible for identifying and assessing records and items of historical value and transferring City archival materials to the Region of Peel Archives.

8. Records Services is responsible for identification of records, held in the Records Centres, which have fulfilled their retention requirements in accordance with this Schedule and obtaining departmental approvals prior to their destruction.

B. Microfilm Program

1. The Microfilm Program is an integral part of the records management program at the City. The purpose of the program is to minimize the bulk of paper records retained on-site and to alleviate records storage problems. Departments doing their own microfilming should consult with Records Services to ensure that the “National Standard of Canada on Microfilm and Electronic Image as Documentary Evidence” is being adhered to and the required retention periods are being applied.
2. Microfilmed records follow the same classification and retention periods specified for their paper counterparts. For more information on this subject, users should refer to the Corporate Micrographic Policy and/or contact the Records Services.

C. Other Physical Media Records

1. For the purpose of this by-law other physical media are defined as physical formats of electronic records that are accessible by using a device that does not need specific hardware, software or security access. Examples include: video, audiotape, CD, DVD. These records may be part of a business transaction or contain business records of the corporation. Records maintained in other physical media format should be classified and managed in accordance with records program standards.

D. Records Destruction – Paper & Other Physical Media Records

1. Official Records: Necessary approvals must be obtained in advance before destruction of any official records specified in Schedule 1 – Paper and Other Media Records takes place. Only Records Services has the authority to destroy official records after the necessary approvals are obtained.
2. Duplicate Records: Duplicate records do not require formal approval for destruction. The retention period of a duplicate record is only a guideline. With few exceptions noted in Schedule 1, Paper & Other Media Records under the Finance sections, duplicate records may be destroyed before the retention period is fulfilled. However, before premature destruction takes place users must check with their section or division head beforehand to ensure that the purpose of the duplicate record has been served. They should also consult with Records Services to ensure that the originals of these records are available with the official holders.
4. Other Media Records: Video, audiotape, CD, DVD, etc. may be official records and should follow the retention periods specified for the appropriate classification. Necessary approvals must be obtained in advance before destruction.

5. **Litigation Records:** Active records pertaining to existing or potential litigation cases should be retained and maintained within the department until the matter is resolved, or transferred to the Legal Services Division at the discretion of the latter.
6. **Non-records:** Non-records can be destroyed by users without approval.

II. **DEFINITIONS**

Term	Definition
Active Records:	This term refers to the time frame a record is actively used in the department and retained in the department (e.g., usually up to 2 years after a file is closed).
Archival Records:	Archival records are records of enduring significance that have historical value for both the City and individuals engaged in historical research. Some examples of archival records include: Council minutes, by-laws, City of Brampton official plans, financial statements, vital statistics, aerial photographs, City publications, etc. Records identified as “archival” in this Schedule, whether in paper or microfilm form, will be assessed for archival value by Records Services after the retention period, after which they may be offered to the Region of Peel Archives. Peel Archives is the central depository of the City’s archival records. Materials which are not selected by Peel Archives may be destroyed or retained within the City, as will be decided by Records Services.
City-Wide Access:	Where this term appears, it means that access to a records series (usually having a long or permanent retention) will be available through Records Services to <u>all</u> City departments after a specified number of years (e.g., 25 years).
Computer Reports / Printouts:	These records provide back-up to information stored on systems and databases. Reports that can be easily reproduced are considered duplicate information and may be discarded when they have no operational value. Reports that capture a snapshot and that cannot be reproduced are considered "official records" for the department responsible for producing them. Copies distributed to other departments can be discarded any time.
Duplicate Record:	<p>A copy of a record containing information which is identical to that contained in the original record. Examples include:</p> <ul style="list-style-type: none"> - Part of a multiple-part form - extra copies of records retained solely for user convenience (also called convenience copies) - a photocopied document/report - a computer printout received from a department responsible for producing it - a reader file - a copy of a published report - a copy of microfilm. <p>NOTE: If information is added to a duplicate record, it is considered an official/original record and should be retained for the official record retention period. A duplicate record may replace an official/original</p>

Term	Definition
	<p style="text-align: center;">record should the latter be lost, damaged or stolen.</p> <p>A duplicate record with source documents attached to it is considered an official record. (See also General, Records Destruction, Duplicate Records).</p>
Electronic Records:	<p>Records maintained in a machine-sensitive data medium that can be related back to the supporting source documents and which is supported by a system capable of producing accessible and readable copy. Electronic records must be managed systematically throughout their life cycles from creation through active reference to inactivity and preservation or destruction.</p> <p>Note: When electronically generated documents are produced in hard copy and subsequently signed and used for legal or official municipal purposes, the electronic version may be considered a copy and can be discarded when it is no longer useful. Otherwise, the electronic version is the official record.</p>
Inactive Records:	<p>This term refers to the time frame a record will be retained in the Records Centre or other secure location until it has fulfilled its retention requirements.</p>
Non-record:	<p>Certain materials have no documentary value to the City and should be discarded as soon as practicable. Non-record materials include, but are not restricted to:</p> <ul style="list-style-type: none"> - Books/library materials that are no longer needed, including magazines, newspapers, newsletters, etc. - Obsolete computer user manuals and related reference materials - Obsolete policy and procedure manuals - Suppliers literature, brochures and other promotional materials that are no longer useful - Government publications that have been superseded - Rough working papers, notes, reports, budgets, etc., that have been produced and submitted in final form - Blank forms that have been superseded or eliminated. <p>NOTE: Prior to discarding blank forms bearing preprinted serial numbers or codes, users must check with their section/division head beforehand to ensure that audit and control requirements have been met.</p>
Official Holder:	<p>An official holder is a user (a section, division or department), which maintains records of a specific classification that is essential to its day-to-day operations or program delivery, and whose contents are intact. For example, the official holder of "Insurance Claims" is Risk Management Section only, since this Section is responsible for managing all insurable claims for the Corporation. Other sections within the City may maintain similar, but incomplete records for this classification, but these sections are not considered official holders. Where responsibility for maintaining the official copy of a record is clear, as in the above example, the "official holder" is identified in this by-law. Where the "official holder" is not identified, every user who maintains an official copy of a record in any record classification listed in the Schedule is considered an "official holder" of that record.</p>

Term	Definition
Official Record:	An original or "authentic" record generated or received by a department. An official record may not always be original (e.g., copies of outgoing correspondence).
Personal Information Bank:	In accordance with the <i>Municipal Freedom of Information & Protection of Privacy Act</i> , personal information under the control of the City that is organized or intended to be retrieved by the individual's name or by an identifying number, symbol or other particular assigned to the individual.
Physical Media Records:	Information that is eye-readable (paper documents, maps, photographs) and other media for which the equipment is readily available and does not require specific hardware, a software application or security access. Examples: microfilm, videotapes, some DVD's and CD's.
Record:	<p>Documentary material regardless of physical form or characteristics. It includes, but is not restricted to:</p> <ul style="list-style-type: none"> - Correspondence/Memoranda - Forms - Reports - Record Books - Computer Printouts - Email - Maps - Drawings/Plans - Photographs - Films - Microfilms - Sound Recordings - Paper/Magnetic Tapes - Video recordings - Computer Discs/Tapes/Systems <p>or any other documentary materials that:</p> <ul style="list-style-type: none"> - are made or received in pursuance of municipal law, - or in connection with the transaction of municipal public business; - contain information of the organization, function, procedure, policies and/or activities, or other information of value to the City; - are of historic value.
Record Classification:	A group of identical or related records that are used and filed as a unit, and that permit evaluation as a unit for retention scheduling purposes. This by-law is based on records classification, as set out in the City's File Classification System (FCS).
Vital Records	Vital records are those records that are essential to the continuation or resumption of City business, fulfillment of obligations to ratepayers, employees, federal, provincial and regional governments and other outside interests, and to recreating the financial and legal status of the City in case of emergency. Briefly, these are records, which are needed to enable the City to recover from a disaster situation with minimum dislocation, cost and risk.

Term	Definition
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Some examples of vital records include:

- Council minutes
- by-laws and their attachments
- tax rolls
- contracts
- deeds
- leases
- accounts receivable
- accounts payable
- general ledger
- payroll records
- systems

Records identified as “vital” in this by-law, whether in paper, microfilm or electronic form, should be protected by departments holding these records.

III. ABBREVIATIONS and TERMS

Access	=	Freedom of Information code
Active	=	Period that the record is to be maintained in the Department
AR	=	Archive – Records of significance that have historical value
CD	=	Compact Disc
Copy	=	Copy or Duplicate Record
D	=	Destroy
DVD	=	Digital Video Disc
FCS	=	File Classification System
Final Disp	=	Determines various methods of preserving or disposing of the record.
Inactive	=	Period that the records is to be maintained in a Records Centre
LOA	=	Retention period equals Life of Animal
LOB	=	Retention period equals Life of Bridge
LOF	=	Retention period equals Life of Facility
LOV	=	Retention period equals Life of Vehicle
MFIPPA	=	Municipal Freedom of Information and Protection of Privacy Act
OA	=	Open Access – Information Available to the Public
Official	=	Original Record or Record identified as Original Copy by the Official Record Holder
P	=	Permanent

PIB	=	Personal Information Bank
RA	=	Review Access – Information to be reviewed before granting Access
RD	=	Routine Disclosure Terms
T	=	Termination of Event (this condition applies to a department responsible for the creation of the record series)
USUP	=	Until Superseded (this condition applies to a department responsible for the creation of the record series)
Vital	=	Records that are essential to the continuation or resumption of City business.
XA	=	Restricted Access – Information restricted

IV. **ACCESS TO INFORMATION CODES**

The Records Retention Schedule incorporates an access code for each classification to provide better control over staff and public access to records information, in accordance with the *Municipal Freedom of Information and Protection of Privacy Act*.

OA	=	Open Access: Records are regarded as public records and are available for review by the public.
RA	=	Review Access: Records may contain some information that is subject to an exemption(s) pursuant to the <i>Municipal Freedom of Information and Protection of Privacy Act</i> . Approval of department manager and/or Freedom of Information Co-ordinator should be obtained prior to disclosing the records to the public.
XA	=	Restricted Access: Records containing “personal information” should be disclosed only to individuals, staff, or groups designated in the City’s Personal Information Bank Register and any other policy/procedure relating to the use of certain records. All other requests for disclosure of personal information must be processed pursuant to the <i>Municipal Freedom of Information and Protection of Privacy Act</i> .

Requests for access to confidential business records not containing personal information must be processed pursuant to the *Municipal Freedom of Information and Protection of Privacy Act*.